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Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT

NORTHERN

District of NEW YORK

UNITED STATES OF AMERICA

ORDER AND AMENDED JUDGMENT
REGARDING MOTION FOR SENTENCE
REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

V.

PHIL FINCH

Case Number: 5:04-cr-397-011 (DNH)USM Number: 12865-052Date of Previous Judgment: November 22, 2005Lisa A. Peebles, Esq.

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months **is reduced to 69 months**.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 33Amended Offense Level: 31Criminal History Category: IIICriminal History Category: IIIPrevious Guideline Range: 168 to 210 monthsAmended Guideline Range: 135 to 168 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (**explain**):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated November 22, 2005 shall remain in effect.

IT IS SO ORDERED.

April 25, 2008

Order Date

Effective Date (if different from order date)

David N. Hurd
District Judge

